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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/542,602	04/04/2000	James J. Crow	044557.0015	5339

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SUITE 2100  
AUSTIN, TX 78701

EXAMINER

MIRZA, ADNAN M

ART UNIT	PAPER NUMBER
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2141

DATE MAILED: 03/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/542,602

Applicant(s)

CROW ET AL.

Examiner

Adnan M Mirza

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 04 April 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bowman-Amuah (U.S. 6,477,580) and further in view of Johnson et al (U.S. 2002/0095400).

As per claim 1 Bowman-Amuah disclosed a system for managing a plurality of services in a distributed services network, comprising: a plurality of services provided on a plurality of server devices connected to a network (col. 37, lines 40-60), at least one login service residing on a second server connected to the network to connected existing subscribers to the distributed services network (col. 52, lines 44-67), at least one connection service residing on a third server connected to the network to monitor the status of each subscriber connected to the distributed services network (col. 60, lines 59-67 & col. 61, lines 1-9), at least one plug-in management service residing on a fourth server connected to the network to maintain copies of plug-in modules used in the distributed services network and to distribute a copy of a plug-in module requested by a subscriber (col. 43, lines 53-67 & col. 44, lines 1-7), and at least one subscriber profile database management service residing on a fifth server connected to the network to store subscriber profile data (col. 62, lines 63-67 & col. 63, lines 1-21).

However Bowman-Amuah failed to disclose at least one agent process residing on a agent device connected to the network, at least one registration service residing on a first server connected to

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the network to register new subscribers to the distributed services network and to assign agent identifications to each registered subscriber. In the same field of endeavor Johnson disclosed in one embodiment, content delivery bandwidth utilization by individual content supplier or users may be tracked and logged by system management engine enabling an operator of the content delivery system to charge each content supplier or user on the basis of content volume delivered (Page. 10, col. 0095). Non-continuous and/or stored information management of unique/non-unique information, anticipated number of simultaneous subscribers and/or simultaneous stream events duration, system resources per subscriber (Page. 31, col. 0261).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have incorporated at least one agent process residing on a agent device connected to the network, at least one registration service residing on a first server connected to the network to register new subscribers to the distributed services network and to assign agent identifications to each registered subscriber as taught by Johnson in the method of Bowman-Amuah to increase the utilization of the server and maintain a premium quality for the customer.

3. As per claim 2 Bowman-Amuah disclosed further comprising a message posting service residing on a message server connected to the network to transmit messages to all subscribers connected to the distributed services network (col. 56, lines 47-49).

4. As per claims 3,17 Johnson disclosed wherein the subscriber profile database management service comprises a subscriber profile a database, a profile create service that creates entries in the subscriber profile database, a profile update service that updates entries in the subscriber profile database and a profile query service that searches for entries in the subscriber profile database (Page. 35, col. 0291 & 0292).

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5. As per claim 4 Johnson disclosed wherein the connection service comprises at least one agent connection status service residing on a status server to periodically probe each subscriber that is connected to the distributed services network (Page. 26, col. 0231).
6. As per claims 5,18 Bowman-Amuah disclosed further comprising a service point map management service residing on a at least one map manager server to collect location information for each service connected to the distributed services network and to generate a service point map listing of selected services for distribution to subscribers (col. 57, lines 35-60).
7. As per claim 6 Bowman-Amuah disclosed wherein the service point map management service resides on the second server (col. 63, lines 1-21).
8. As per claims 7,19 Bowman-Amuah disclosed wherein the service point map management service uses load balancing techniques to generate the service point map listing (col. 271, lines 20-27).
9. As per claim 8 Johnson disclosed wherein the registration service collects profile data from a subscriber and forwards the profile data to the subscriber profile database management service (Page. 35, col. 0291).
10. As per claims 9,12-15 Bowman-Amuah disclosed wherein the plug-in management service updates a subscriber connected to the distributed services network with a current plug-in (col. 43, lines 53-67 & col. 44, lines 1-7).
11. As per claims 10-11,16 have the same limitations as to claim 1 therefore under the same limitations claim 10 can be rejected.

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12. As per claim 20 Bowman-Amuah disclosed further comprising providing a message posting service for sending messages directly to a subscriber connected to the extensible service bus (col. 56, lines 47-56).

*Conclusion*

13. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Adnan Mirza whose telephone number is (703)-305-4633.

14. The examiner can normally be reached on Monday to Friday during normal business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on (703)-308-5221. The fax for this group is (703)-746-7239.

15. The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

(703)-746-7239 (For Status Inquiries, Informal or Draft Communications, please label "PROPOSED" or "DRAFT");

(703)-746-7239 (For Official Communications Intended for entry, please mark "EXPEDITED PROCEDURE"),

(703)-746-7238 (For After Final Communications).

16. Any Inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)-305-3900.

Any response to a final action should be mailed to:

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BOX AF

Commissioner of Patents and Trademarks Washington, D.C.20231


Or faxed to:

Hand-delivered responses should be brought to 4<sup>th</sup> Floor Receptionist, Crystal Park II,  
2021 Crystal Drive, Arlington, VA 22202.



Adnan Mirza

Examiner



DAVID WILEY  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100